

REMARKS

Reconsideration of the above-identified patent application is respectfully requested.

Applicants acknowledge with appreciation the allowance of claims 10-17.

Claims 1, 8-9 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,209,530 to Faletti et al. Claims 2-7, 19 and 20 are objected to as being dependent upon a rejected base claim, but are indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For at least the following reasons, applicants respectfully traverse the § 102(e) rejection of claims 1, 8-9 and 18.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference, and the identical invention must be shown in as complete detail as is contained in the claim (MPEP § 2131). Thus, in order for a single prior art reference to anticipate a later-filed claim, that reference must show or disclose each and every limitation of the later-filed claim. With respect to applicants' independent claims 1 and 18, Faletti et al. fail to meet this requirement. For example, applicants' independent claim 1 requires "means for determining actuator current used by the actuator." Applicants' independent claim 18 similarly requires "determining actuator current used by the actuator." In contrast, Faletti et al. neither show nor disclose this limitation.

Faletti et al. discloses an actuator control system having a signal processing block (87) configured to process two sensor signals and determine a target EGR valve actuator position signal (92). The target EGR valve actuator position signal (92) is

disclosed as being a voltage signal. Three sensor signals are processed by another processing block (94) and a difference node to determine an intake variance signal (100). The intake variance signal (100) and the target EGR actuator position signal (92) are processed by an EGR controller block (102) to produce a commanded EGR actuator signal (104). This signal is then passed through a limiter block (106) receiving prescribed limits from another block (107) to produce an adjusted or corrected EGR actuator signal (108) that is supplied to the EGR actuator (84). No structure or technique for determining the current used by the EGR actuator (84) is shown or disclosed.

An error signal (112) is also determined, based on the difference between the commanded EGR actuator signal (104) and the corrected EGR actuator signal (108), and is provided to a turbocharger valve controller block (120). The turbocharger valve controller block (120) also receives a target turbocharger valve actuator position signal (124) that is determined by a processing block (122) configured to determine the target actuator signal (124) as a function of the two sensor signals. The target turbocharger valve actuator position signal (124) is disclosed as being a voltage signal. The target turbocharger valve actuator position signal (124) and the error signal (112) are processed by the turbocharger controller block (120) to produce a commanded turbocharger actuator signal (126). This signal is then passed through another limiter block (128) receiving prescribed limits from yet another block (130) to produce an adjusted or corrected turbocharger actuator signal (132) that is supplied to the turbocharger actuator (86). Again, no structure for determining the current used by the turbocharger actuator (86) is shown or disclosed.

The Faletti et al. reference fails to show or disclose any structure or technique for determining actuator current used by either of the actuators (84) and (86). Faletti et al. thus fail to show or disclose at least one limitation of applicants' rejected independent claims 1 and 18, and a § 102(e) rejection thereof is improper and should be withdrawn. As applicants' dependent claims 8 and 9 depend from rejected claim 1, and therefore include at least the limitations of claim 1, applicants assert that the § 102(e) rejection of claims 8 and 9 is likewise improper and should be withdrawn.

For at least the foregoing reasons, applicants' assert that claims 1 - 20 are in condition for allowance, and such action is solicited. The Examiner is cordially invited to contact the undersigned by telephone to discuss any unresolved matters.

Respectfully submitted,



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